HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 8177 of 2007

Between:

Fishermen Youth Welfare Association,
Visakhapatnam rep. by its Secretary,
T. Shankar and another

... Petitioners

And

Visakhapatnam Urban Development
Authority (VUDA), rep. by its
Vice-Chairman, Visakhapatnam and others

... Respondents

:: O R D E R ::

Counsel for the petitioners : Shri K.S. Murthy

Counsel for respondent No.1 : None

Counsel for respondent Nos. 2 and 3: Assistant Government Pleader for Revenue

Counsel for respondent No.4 : Shri V.Ch.Naidu

Counsel for respondent No.5 : None

Counsel for respondent No.6 : None

July 06, 2007

Per G.S. Singhvi, CJ

Fisherman Youth Welfare Association, Visakhapatnam and District Fisherman Welfare Association have, through this petition, brought to the notice of the Court gross violation of Notification dated 19.2.1991 issued by the Government of India, Ministry of Environment

and Forests (Department of Environment, Forests and Wildlife) under Sections 3 (1) and 3(2)(v) of the Environment (Protection) Act, 1986 read with Rule 5(3)(d) of the Environment (Protection) Rules, 1986, which has come to be popularly known as “Coastal Regulation Zone (CRZ) Notification” by the respondents, who knowingly or unknowingly encouraged constructions on Rishikonda Beach, Visakhapatnam.

We would have dealt with constitutional and human rights issues emerging from the violation of CRZ Notification because, in our considered view, such violators affect not only the present, but future generations of human civilization, but the necessity of doing so has been obviated because the concerned authorities have realized their mistake in undertaking or allowing construction activity in violation of the prohibition imposed by the CRZ Notification and have taken remedial measures. Therefore, we leave the constitutional and legal issues for adjudication in some other cases.

Learned Assistant Government Pleader representing District Collector, Visakhapatnam (respondent No.2 herein) says that the construction activity, which is evinced from photographs marked Ex.P6, has been stopped altogether and the entire constructions will be removed within a period of two months from today.

In view of the above, the writ petition is disposed of with the direction that a report based on the action taken in furtherance of the undertaking given before the Court be sent after two and half months along with photographs showing demolition of the structures and removal of construction materials.

The Registry is directed to list the case before the Court as soon as the report is filed.

If the report is not filed in two and half months, the petitioners shall be free to file a miscellaneous petition for revival of the case.

Before parting with the matter, we deem it appropriate to observe that Principal Secretary, Department of Environment, Forests and Science and Technology may consider the feasibility of organizing

workshop at least once in a year of the officers posted in the coastal districts so that they may acquire knowledge and equip themselves with the latest development of law relating to environment and ecology in the coastal areas and take measures for protecting the same.

We also hope and trust that District Collector, Visakhapatnam will ensure removal of all constructions made in the entire coastal area in violation of the CRZ Notification.

As a sequel to disposal of the writ petition, WPMP No.10490 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

July 06, 2007

C.V. NAGARJUNA REDDY, J

svs